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COMMITTEE ON RELATIONS WITH
THE HOST COUNTRY

LETTER DATED 1 JULY 1997 FROM THE MINISTER COUNSELLOR FOR HOST COUNTRY AFFAIRS OF THE UNITED STATES MISSION TO THE UNITED NATIONS ADDRESSED TO THE CHAIRMAN OF THE COMMITTEE

Enclosed please find the text of a note verbale dated 1 July 1997 from the United States Mission to the United Nations addressed to the Permanent Mission of Cuba to the United Nations, responding to the latter's notes verbales regarding travel restrictions.

I kindly request that the present letter be circulated as an official document of the Committee on Relations with the Host Country.

(Signed) Robert C. MOLLER

97-18091 (E) 010797

ANNEX

Note verbale dated 1 July 1997 from the United States Mission to the United Nations addressed to the Permanent Mission of Cuba to the United Nations

The United States Mission to the United Nations presents its compliments to the Permanent Mission of Cuba to the United Nations and wishes to reply to the latter's notes verbales 376 and 377 regarding travel restrictions.

With respect to the observation that the annual General Assembly resolution adopting the report of the Committee on Relations with the Host Country urges the host country to consider lifting travel controls, the United States Mission wishes to note that the United States looks forward to the day when national security concerns are such that all travel restrictions can be lifted.

In regard to the assertion by the Permanent Mission of Cuba that the host country is ignoring legal instruments on diplomatic privileges and immunities and interfering with the functioning of the Permanent Mission of Cuba to the United Nations, the United States Mission takes the opportunity to reiterate its position that the applicable principles of conventional and customary international law neither prohibit the imposition of travel restrictions nor entitle the affected individuals to unrestricted travel throughout the United States.

Under Article 105 of the Charter of the United Nations, representatives of the Members of the United Nations and officials of the Organization are entitled to enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization. As this Article relates to the presence of the United Nations in the United States, it has been implemented through the Convention on the Privileges and Immunities of the United Nations (the General Convention) and the Headquarters Agreement. Under the General Convention, section 14 of article IV states: "Privileges and immunities are accorded to the representatives of Members ... in order to safeguard the independent exercise of their functions in connection with the United Nations". The travel limitations imposed do not interfere with such privileges and immunities as are needed by the affected individuals for the performance of their official United Nations functions. The Headquarters Agreement obligates the United States, in section 11 of article IV, not to impose any impediments to transit to or from the Headquarters district of representatives of Members. Section 13 (d) of article IV of that Agreement provides that, with the exception of unimpeded transit to and from the Headquarters district, the United States retains control over, inter alia, the conditions under which persons may remain or reside in the United States, including the travel of such persons within its territory. The United States is not obligated to permit travel throughout the United States at large.

The United States Mission reviews carefully each individual travel request from the Permanent Mission of Cuba, and in consultation with the Department of State, facilitates those that are in its judgement directly related to the work of the United Nations. In its overall administration of the travel control

restrictions, the United States will continue its practice of accommodating those few emergency humanitarian requests for personal travel that may unfortunately arise.

The United States Mission to the United Nations avails itself of this opportunity to renew to the Permanent Mission of Cuba to the United Nations the assurance of its highest consideration.